

### **REMARKS**

The Office Action dated July 27, 2005 has been received and carefully noted. The following remarks are submitted as a full and complete response to the Office Action.

Claims 1-7 and 9-13 are pending in this application. A Terminal Disclaimer is resubmitted. No new matter is added.

The Office Action provisionally rejects claims 1-7 and 9-13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending U.S. Patent Application No. 09/955,985 ('985). The Office Action asserts that although the conflicting claims are not identical, they are not patentably distinct from each other.

Applicants respectfully resubmits the attached Terminal Disclaimer in compliance with 37 CFR 1.321(c) to overcome the provisional rejection based on non-statutory double-patenting. Accordingly, withdrawal of the obviousness type double patenting rejection of claims 1-7 and 9-13 is respectfully requested.

It is respectfully requested that all of claims 1-7 and 9-13 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Terminal Disclaimer  
Petition for Extension of Time  
Check No. 13685